

JERRY WAYNE SHUE, JR.,)	1:05-CV-0504 AWI JMD (HC)
)	
Petitioner,)	ORDER VACATING THE NOVEMBER 7,
)	2008 ORDER ADOPTING THE FINDINGS
)	AND RECOMMENDATION
)	[Doc. #44]
v.)	
)	ORDER DIRECTING CLERK OF COURT
)	TO SERVE PETITIONER WITH THE
)	FINDINGS AND RECOMMENDATION
D.K. SISTO,)	[Doc. #43]
)	
Respondent.)	
)	

On September 24, 2008, the Magistrate Judge issued a Findings and Recommendation that recommended the petition be DENIED with prejudice. The Magistrate Judge further recommended that the Clerk of Court be DIRECTED to enter judgment. The Findings and Recommendation was served on all parties and contained notice that any objections were to be filed within thirty (30) days of the date of service of the order. The deadline passed and no objections were filed. On November 7, 2008, the Court issued an order adopting in full the Findings and Recommendation.

1 On November 19, 2008, Petitioner filed a motion for reconsideration. He claims that he was
2 not aware of and did not receive the Findings and Recommendation. Petitioner now seeks an
3 opportunity to file objections to the Findings and Recommendation.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1) The November 7, 2008 order adopting the Findings and Recommendation is vacated;
- 6 2) The Clerk of Court is directed to serve a copy of the Findings and Recommendation
7 to Petitioner with this order; and
- 8 3) Petitioner is granted thirty days from the date of service of this order in which to file
9 objections to the Findings and Recommendation. Respondent shall have 10 court
10 days (plus three days if served by mail) from the date of service of any objections to
11 file and serve a reply.

12
13 IT IS SO ORDERED.

14 **Dated: November 24, 2008**

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE